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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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THERION INC.,

Civil Action No. 08-5256-TCP-ETB

*Plaintiff,*

-against-

MEDIA BY DESIGN, INC. d/b/a HEALTH WITH  
MAGNETS, DENNIS BACKER, and BLUEHOST  
INC.,

*Defendants.*

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**DECLARATION OF ERIC S. CRUSIUS**

I, ERIC S. CRUSIUS, declare and state as follows:

1. I am a member of the bar of the States of New York and Virginia as well as the District Court for the Eastern District of New York (and other federal courts) and am associated with Dozier Internet Law, P.C., counsel for Defendant Bluehost Inc. (“Bluehost”) in the above-referenced matter.
2. I submit this declaration in opposition to Plaintiff’s Motion for Partial Summary Judgment pursuant to Fed.R.Civ.P. Rule 56.
3. Attached as Exhibit “A” is a true and correct copy of the Complaint filed on December 31, 2008 in the above-captioned matter.

4. Attached as Exhibit “B” is a true and correct copy of Defendant Backer and Media By Design, Inc. d/b/a Health With Magnets’ Answer and Counterclaim filed on February 20, 2009.
5. Attached as Exhibit “C” is a true and correct copy of Defendant Bluehost’s Answer With Counterclaim filed on August 3, 2009.
6. Attached as Exhibit “D” is a true and correct copy of receipts from Bluehost for services provided to Dennis Backer and Health With Magnets.
7. Attached as Exhibit “E” is a true and correct copy of the Control Panel for Backer’s account at Bluehost.
8. Attached as Exhibit “F” is a true and correct copy of notes (number T-0127) provided by Plaintiff.
9. Attached as Exhibit “G” is a true and correct copy of the Agreement for Transfer of Ownership (“Purchase and Sale”) of Business dated August 24, 2008.
10. Attached as Exhibit “H” is a true and correct copy of printouts from the control panel for Health With Magnets Bluehost account and domain registry information.
11. Attached as Exhibit “I” is a true and correct copy of Bluehost’s service center notes regarding the disputed account.
12. Attached as Exhibit “J” is a true and correct copy of partial deposition testimony of Therion on September 30, 2009.
13. Attached as Exhibit “K” is a true and correct copy of partial deposition testimony of Dennis Backer on August 13, 2009.

14. Attached as Exhibit “L” is a true and correct copy of the Terms of Service in effect through November 20, 2008.
15. Attached as Exhibit “M” is a true and correct copy of the Terms of Service in effect from November 20, 2008.
16. Attached as Exhibit “N” is a true and correct copy of the Declaration of Danny Ashworth sworn to on February 3, 2010.
17. Attached as Exhibit “O” is a true and correct copy of partial deposition testimony of Dennis Backer on August 13, 2009.
18. Attached as Exhibit “P” is a true and correct copy of the Terms of Service in effect in early 2009.
19. Attached as Exhibit “Q” is a true and correct copy of the affidavit submitted to Bluehost by Dennis Backer.

Dated: Glen Allen, Virginia  
February 3, 2010

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/s/  
Eric S. Crusius, Esq.